

(845) 583-4350 Ext 105



(845) 583-4710 (F)

## ***Town of Bethel Planning Board***

PO Box 300, 3454 Route 55  
White Lake, NY 12786

The Town of Bethel Planning Board held a Work Session on Monday April 1, 2019 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York. A regular meeting of the Planning Board followed on the same date at 7:30 PM. On the agenda at that time were the following:

In attendance: Daniel Gettel, Chairman, Steve Simpson, Vice Chairman, Mike Cassaro, David Biren, Wilfred Hughson, David Slater, Robert Yakin, Jr., Alternate, Jacqueline Ricciani, Attorney, Jannetta MacArthur, Recording Secretary, Glenn Smith, Engineer, Jason Pitingaro, Engineer, and Vicky Vassmer Simpson, Liaison.

Excused: Susan Brown Otto

Pledge to the flag.

Seated: Robert Yakin, Jr.

***Motion to approve the minutes from the March 4, 2019 Planning Board meeting by Robert Yakin, second by Steve Simpson.***

***All in favor – 7***

***Opposed - 0***

***Agreed and carried***

- 1) Public Hearing for a Transient Campground of BPAC Music Festival to be located on Best, Hurd and West Shore Roads, known as a portion of Bethel Tax Map #'s: 21.-1-1.1, 21.-1-1.4, 21.-1-1.12, 21.-1-1.20, 21.-1-1.31, 21.-1-4.1, 21.-1-11, 22.-1-1 & 22.-1-4 proposed by Bethel Performing Arts Center. (Schwartz & Live Nation)***

Daniel Gettel: In a minute I will open up the meeting for public comment and will ask the applicant's representative to make a brief presentation to the audience. We will then accept public comment. There was a sign-in list in the back room.

*No one signed in to speak at the public hearing.*

*Return receipts for certified mailings have been turned received.*

Daniel Gettel: If after presentation anyone in the audience wants to speak at the public hearing simply raise your hand and I will call you up to the microphone in the front of the room, ask you to state your name for the record and make whatever comments you have. This isn't a public debate, nor is it a question and answering period. Hopefully when the presentation is made you will get most of your questions answered during that. It is really our opportunity to get comment from some of the neighbors who may have specific knowledge of the piece of property. Mr. Schwartz if you would please address the audience as the Planning Board has seen this application a number of times.

Nick Schwartz: Sure. Thank you very much. My name is Nicholas Schwartz. I am the engineering consultant for Live Nation. This presentation is going to be for Mountain Jam 2019. This is a music festival which begins on Thursday evening, ending on Sunday evening. There will be car camping and overnight camping accommodations as well as four days of festival music. I would like to briefly describe where the festival is, its components, traffic component, which I am sure everyone is concerned about. Right now we have three components to the camping. There is car camping, RV camping, and tent camping. So right now car camping is up along on Best Road where the camping for Mysteryland had historically been in the past. We also have camping along Hurd Road. Again, this is car camping. We have some staff camping up in this area (showing on the map), we have some ADA camping, we have VIP camping, which is closer by the car camping. We have some family camping sites, and then below here we have some VIP RV, and some regular RV camping up here. So that is where the camping lies. We have requested and received a waiver from DOH for the camping site size. Typically we are mandated to have 1250 square foot per campsite, we call it a camping unit. We now have a waiver for approximately 600 square feet for the car camping that has been approved, a deviation of approximately 650 square feet. We maintain the 1250 square feet size for the RV camping sites. We have a majority of... all of the music will be either on the main stage amphitheater or on a secondary stage over near the pavilion area on the Bethel Woods site, a little bit unlike previous versions of festivals that have been here where they have been on the lower lawn, closer to West Shore. This will be like a normal concert up in the amphitheater area. From a noise perspective and a lighting perspective it would be very similar to what you see on a normal concert basis. We have the camping which will be serviced for water and sewer, very similar to previous festivals. We will have water and frack tanks down near the farm area. The water will be supplied by Bethel Woods, from the tank off of West Shore. That will be piped for both uses, water and return for gray water, and frack tank water back to here. These more remote areas will be serviced by a tanker that has dedicated feed as well as a booster pump, and dedicated frack tanks and gray water tanks in these separate areas. The VIP, the family camping, those are for the car camping. RV will not have secondary areas for water or sanitary hookups. They will be able to be pumped out if they need it. There will be a call ahead area in here for that as well as a jockey tank for potable water that will come through. So if you do need to get pumped out or if you do need water during the festival, we will be able to service that through a potable water supply or through an approved sanitary vendor. From a pedestrian standpoint, we will be using the main gate for entrance into the facility, as well as a rear gate here for entrance,

very similar to what previous festivals have done here to make it convenient for those folks moving from the Best Road camping area, coming up the back road through this check in area, then into this festival area here (showing on map). From a traffic movement and mobility standpoint, this festival will run very similar to the way the previous camping festivals have. Where you have a split on Route 17B that will force you up and around over Happy Avenue and then up and over on Perry Road. There will be a toll booth and security check in. Everybody is checked prior to coming into the festival. This is where the majority of the car campers will come that will come and access this Best Road lot as well as some of the VIP and ADA campsites over on Hurd Road. So, the RV's will come exclusively off of Route 17B, come through a check in station here, and then be able to access this lower area here. We split that so that way it makes it easier for security to check the different types of vehicles, and not have to have a lot of different security apparatus in two different areas. Parking will be remote from the interior of the site. We have the ability to use lot G, which is approximately 680 spaces and we have an all-day space here which is about 2,000 spaces. We have 578 spaces as an overflow up on Best Road in the fields just to the left of the dog leg. We also have about 400 spaces in the Harvest lot. The ideal situation is to be able to fill these lots first, this lot last, this lot second to last. That way the impacts up on Best are felt the least. The majority of the traffic coming in is going to come in on Thursday. That is for the majority of the car camping that comes in. RV will be the same thing, mostly will come in on Thursday into the weekend. All of the cars and all of the patrons will be out of the facility by noon on Monday. That is the time frame for that. We have received comments and have submitted responses to DOH. We received their comment letter late on Thursday. There was nothing earth shattering about their comments, some were very particular. The one thing of note was the change in the size of the campsites. Previously we had looked at a 20 foot x 20 foot car camping site. The DOH would like to see a minimum of 20 foot x 30 foot. I think I mentioned that when we were talking about the camping space to begin with. And then the RV site would be 1,250 square feet, so we would not need a waiver there. We had requested a waiver to exceed the 60 hour maximum. That has been approved as well as the waiver request at the very beginning of the DOH process so tickets could go on sale. So those were the three waivers we requested, and those were the three that have been granted. Any other aspect of the DOH process we are in compliant with their regulations. We have no deviations. With that I think I have given everybody a flavor for what the application is. I would like to open to the board and public for comment.

Daniel Gettel: Thank you. Just so the public is aware, the Planning Board is only looking at the camping portion of the festival. They have the right to have festivals, it is clearly part of their initial Special Use Permit. We are specifically looking at the transient camping aspect of it, what we call a three day event. The Health Department considers it a three day event although it is more like a five day event. That is what we are looking at. Our code is pretty clear as far as issuing them a license based upon the information they provide to us. Just so you are aware The Health Department is also a reviewing agency. Any approval we were to give would include them having to get the Health Department's approval. The New York State Police are involved in the policing of the site, as well as checking cars I believe. Also the New York State DOT is involved with the traffic management plan. You didn't mention road closures tonight, and I know that is still up in the air as far as incidental closures of West Shore Road may be.

Nick Schwartz: Yes, they are in the day portions of festivals, very similar to the previous

festivals. There is going to be intermittent closures through there. We are still going to have the day passes for residents that are in proximity to that area, so they can still access their properties without too much inconvenience.

Daniel Gettel: Sullivan County Planning has also reviewed the application, and that has come back as local determination. One of the concerns that they raised in their letter is this event may have an impact on the local farmers, which they identified last month as a potential concern. There are two or three farmers that might be impacted as far as actually using these roads. It's not like they are going to be shut down and not going to be able to farm, but it is something that we are aware of that we have to accommodate the local farmers. Nick if you have anything in writing on the three waivers that you got, our code does call for getting something in writing for our file on those.

Nick Schwartz: Yes, we will make sure that we provide that for you.

Daniel Gettel: Again, this is your initial year starting this festival. You are not expecting a full occupancy of this plan at this time. I know you would love to have it, but...

Nick Schwartz: Right now this is a build out for every day, having about 12,000 people on site. What we are trending now is about 8,800 or 9,000. That is kind of where we are now with the ticket sales and trending. Ideally if we were looking at this it would be consolidation of some of these areas to make sure we were efficient in terms of the use, of water and sewer, and just the use of the site so we can contain the footprint of the minimum that we have but still maintain these same areas.

Daniel Gettel: You touched on the Health Department letter; I know we didn't submit it to everyone on the board. Thursday the Health Department came out with their review letter. I think Glenn would agree it has more to do with the vendors having hot water, proper drainage, etc.

Nick Schwartz: One of the things that we had, and historically have had issues with the DOH is the food vendors in terms of the pot sinks being cleaned or having some overflow issues with some of the dishwater going onto the ground, people not paying attention to that. That is when there were a lot more vendors there. Right now we are looking at three in this area. It really looks like we are going to have fifteen, but three up in this area, because the majority of the food service will be in the festival area itself. Where they currently have water and sanitary sewer for the regular operations of the Bethel Woods facility. It would only be up in here where we would need to maintain a separate feed. In the DOH letter, we are going to provide hot and cold water, three bay sinks with an air gap, hookups to the water and sanitary and the gray water, we have no issues with that, we had planned on doing that anyway.

Daniel Gettel: Not to say anything against Mysteryland, but Mysteryland had more of a temporary food setup, and the concert would let out and they would all get slammed at the same time. That is when the problems arose. The Health Department is trying to avoid that with this. And I agree with you as a lot of the infrastructure is still in place.

Nick Schwartz: One thing to note is the difference between this specific type of camping and Mysteryland. Mysteryland didn't allow food. This festival allows people to bring a two burner stove to be able to cook on the car camping site themselves if they want. Something for breakfast or something a little later in the early evening. There are some shut off times. We don't want them cooking at 2 am or 3 am for safety reasons, but really for those of you that don't know Mountain Jam, they have been in existence for about 15 years. This is the first year it is moved, and we haven't had any historic issues with the way that the festival runs from an operational standpoint. This really represents how a festival has worked in the past, and how we see it moving forward working well.

Daniel Gettel: Any questions from the board before I open the meeting up for public comment?

*None*

***Motion to open the meeting up for public comment for Mountain Jam by Mike Cassaro, second by Steve Simpson.***

***All in favor – 7***

***Opposed – 0***

***Agreed and carried***

Daniel Gettel: A couple of people came in late to the meeting. There was a sign in sheet in the back of the room which nobody signed in to speak. If anyone would like to comment on the Mountain Jam proposal, just feel free to raise your hand and come up to the microphone at the front of the room.

Kevin Colston: Is there any idea what time West Shore will be closed, because we pay taxes to use that road. And then we are kind of stuck when we pull up there and we can't get through for three or four days on end. If we know, let's not venture down West Shore at 2:00 pm then we have a better idea of how to schedule our day. My other question is why can't they do this on Best Road? Why can't they put up a temporary stage then they never have to close West Shore Road?

Daniel Gettel: It is an older crowd than the Mysteryland crowd. I think that is one of the reasons why they moved it closer to the venue. A lot of people want to be closer to the pavilion. There was talk about that initially. I think this works out better with the kind of group that they are catering to. I think what happened with Mysteryland, and West Shore Road was since it was new there were a lot of traffic tie-ups on West Shore from people just driving by to see what was going on.

Kevin Colston: West Shore was actually closed. Is there any way to narrow it down maybe in future that this will be closed from 9 am – 11 am or 3 pm -5 pm, etc.?

Nick Schwartz: The real specifics of your question are going to be answered at the Town Board

level. In order to do road closures, we have to go to the Town Board to present our road closure plan. That will happen in the month of May. That is part of what we are required to do for the traffic plan. We are refining the times now. We will be able to answer your questions specifically then.

Kevin Colston: I guess I will have to wait until May.

Daniel Gettel: It is a Town Board issue as far as the road closures go. As far as the traffic management plans it is a Town Board issue that will be coming up in May. If no one else from the audience has a comment on this, we will close the public hearing.

***Motion to close public hearing and go back to our regular meeting by David Biren, second by David Slater.***

***All in favor – 7***

***Opposed - 0  
carried***

***Agreed and***

Daniel Gettel: There was a little snafu. The last meeting for Mountain Jam was held approximately 26 days ago and the Planning Board can't act on the Environmental Assessment Form until 30 days after we declare our intent to act as be lead agency. There was a little miscommunication on reaching out to the agencies, of who was going to do what. Regardless, we can't rule on the environmental tonight and therefore cannot rule on the project as a whole, and we can't grant the license tonight. Even though it is a very simple license the way our zoning reads, we don't have the ability to act on an Environmental first. I know Nick that is tightening up your schedule a lot more especially getting back to the Town Board for the traffic plan. I don't know a way around it. The offer that we have is that we can have a special meeting in two weeks. I believe the majority of the board is available. That is the best we can do. We could have that here in two weeks at 6 pm. We can't rule on it before then.

Nick Schwartz: Bethel Woods would be appreciative of that accommodation.

***Motion to grant the application a special meeting on April 15<sup>th</sup> at 6 pm at the Dr Duggan Community Center, by Steve Simpson, second by Mike Cassaro.***

***All in favor -7***

***Opposed - 0***

***Agreed and carried***

Daniel Gettel: The Zoning Board meets in this room on April 15<sup>th</sup> at 7:00 pm. If we are not in this room, we will be in the little conference room next to this meeting room. It will be in the paper, anyone can show up. Nick, as soon as you can, get us the waiver information from DOH because that is specifically in our code. Thank you.

Nick Schwartz: I will have for you tomorrow.

**2) *Application for an amendment of the Special Use Permit with Site Plan review to allow for the construction of Duplex Units to be located at 4446 New York State Route 55, known as Bethel Tax Map # 8.-1-48, proposed by YGS Torah Center. (Gottlieb)***

Daniel Gettel: Mr. Gottlieb, please update the board of what changes were made since the last meeting you were here for.

Tim Gottlieb: We updated the project narrative. We gave you a population for each building, defined each building. We met with Mr. Smith last week at the location. That was pretty much it on my end. We also provided you with documentation of faculty, number of students, the hours of operation, building permits, SPDES permit, and information from our engineering firm regarding the sewage treatment plant, some estimates for the construction of that plant are in the works.

Daniel Gettel: I don't want to get too far off subject. You submitted a site plan that does have all the buildings now labeled. They are not necessarily what was labeled on the approved plan. I just want to point that out to the board. Some buildings were not labeled, now they are labeled staff. Some were labeled maintenance, now they are labeled staff. There are some changes to the buildings on our plan. I think Glenn picked up on that with his review. Jacy has picked up on that too I believe.

Tim Gottlieb: We gave you what is there now.

Daniel Gettel: So the board is aware, Mr. Newberg's letter addresses the operation and renovation of the sewage treatment plant. We do have information now that shows that the plant was upgraded, and there is some correspondence in there from the DEC on the, not necessarily operation, but on the SPDES permit itself. There is some information there on the maintenance of the plant. You had to do some initial pumping of some of the sludge tanks or something just to get it in line.

Tim Gottlieb: They had to do a substantial amount of work that Daytop was a little bit negligent on with their maintenance. They had to bring it back to operating conditions.

Daniel Gettel: I believe there is a comment in that letter about the staffing requirements. One for every twelve students. Which we encountered in a project similar to this. Clearly there has been money spent on some of these renovations. The permits are also still one thing that is hanging out there. The permit that was issued for the renovations of the building was vague. It talks about repair and alteration of buildings. Repair roof, fix electrical, none of the permits actually mention changing the actual use of the building or actually mentions staff. There is still a little bit out there that kind of annoys me. Mr. Gottlieb, in your letter you said landscaping is just a vinyl fencing. I wouldn't have called it landscaping, I would have called it vinyl fencing.

Tim Gottlieb: They did landscaping on the west side.

Daniel Gettel: The reason for the fencing was just to channel the children, to encourage them to use a cross walk. On the west and east there was supposed to be split rail fencing. At the last (original approval) meeting we conceded to giving in to chain link fencing on the west side, just to provide privacy for the students in the dormitories. I regret that since we did it. It looks like you are driving through a tunnel when you go through Route 55 through that area. In your letter you implied that all of the children will be housed in the dormitory. Will all of the children be on the west side of the road, is that correct?

Tim Gottlieb: No. There are dormitories on the west side and the east side, and in discussion with the operators the students on the west side won't travel across the road to get to the east side. There is a synagogue on the west side that they use, so they will be on that side, and the students on this side...

Daniel Gettel: Are they different age groups?

Tim Gottlieb: I don't know.

Jacqueline Ricciani: So all of the instruction for the students in the dormitory on the west side is taking place on that side?

Tim Gottlieb: Yes.

Jacqueline Ricciani: But they still have to go across the road to eat?

Tim Gottlieb: No, they provide the meals I believe in the Shule, when the Shule is not in operation.

Jacqueline Ricciani: The dining hall is on the other side of the road.

Tim Gottlieb: Right. The dining hall is on this side of the road for these students.

Marvin Newberg: They don't cook there. The food is brought in.

Tim Gottlieb: It's all plated on site.

Jacqueline Ricciani: You have three times as many students on the west side as you have on the other side, right? You only have one dorm on the east side.

Tim Gottlieb: Right.

Jacqueline Ricciani: Dorm 4. All the other population is on the other side?

Daniel Gettel: I believe since you are introducing staff to the facility, you also have children of the staff, of which some of them are bused out to day care I believe during the day. That's something else we have to consider. I don't think it is a substantial amount, but there is some bus traffic now. We were assured that would never have to happen. Glenn, my question to you.

If the principle use is the school building itself, what should we be using as setbacks standards for the other buildings? The way we read it, if we were to consider all the other buildings assessorly to the school, they have to meet the school setbacks.

Glenn Smith: Not the assessorly setbacks, the school setbacks.

Daniel Gettel: My question is if they renovate a building that was used for maintenance, which is pretty much a garage, almost anywhere in Town would be permitted 10 foot off the property line. Now they make it into housing and the setbacks don't work.

Glenn Smith: That maintenance building is like 20 foot or 30 foot off the property line. I checked that. That building is quite a ways off the property line. I'm not sure where it complies with the zoning, but it is off a little ways.

Daniel Gettel: Would you say we treat them as assessorly uses to the school?

Glenn Smith: I wouldn't think so, no.

Daniel Gettel: What standard would you say we should have the ....

Glenn Smith: I went through this with Tim last week. The former maintenance buildings, there are ten apartments in there. Fully equipped with kitchens, and dining rooms, stoves and refrigerators.

Daniel Gettel: Oh they have stoves? Usually the stoves are not there.

Glenn Smith: The stoves are there. There are ten units in there, double bedrooms. It is a multi-family residence.

Jacqueline Ricciani: It's an apartment building.

Glenn Smith: Yes.

Daniel Gettel: I wasn't aware you went out there until Tim mentioned it.

Glenn Smith: I sent you a note about it last week.

Daniel Gettel: The conditions of the buildings in general, did you go through... how many buildings did you go through?

Glenn Smith: Let me summarize my notes. I went to the sewer plant first. That is in pretty good shape. It has been maintained fairly well. They kept it running partially all winter long so things didn't freeze up and break in there. That maintenance building is like 175 foot long and now there are 5 apartments along the front side and 5 apartments on the back side. Each with their own door and each with two bedrooms, bathroom, closets, kitchen, and dining. The dorm that Tim mentioned on top of the hill behind the building that was on your board's approval from

several years ago, that was an office building. There are 94 beds in there now. All the offices were made into bedrooms.

Daniel Gettel: Are they large enough for that number of beds do you think?

Glenn Smith: I don't know the answer to that. The 94 beds is the count they gave me. It is obviously a change of use from an office concept to a dormitory. The main building on the hill that is where the dining and the kitchens are, but as Tim said, they are not making food there, all the food is brought in for both sides of the road. Everybody just eats there. Just some miscellaneous food preparation and warming is done in the main building now. I looked at the pool, it is a concrete pool, and it is full of water. Last year the filter system was renovated. New filters, new piping. On your prior approval the pool was not going to be used, but it had been used last year. I didn't go through the buildings on the west side of the road. They pretty much remain unchanged from what was done originally.

Daniel Gettel: When Daytop closed, Mr. Gottlieb, I think the bottom line is that the initial special use permit was issued with the understanding that staff would not be permitted on the property. I think that is what the board has to determine if they are willing to accept the change of use with a site plan amendment to allow staff to be on the property. I don't think it is typical for a high school to have staff on site but that is how the special use was written. So any variation of that we would have to approve, a change of use. I don't think it is typical for a school to have staff to live on site. Also, there was a question raised last month of how we verify that the families living there actually have one person, and is actually a staff member there. I know we have names and addresses of all the people, but how do you enforce that from year to year to year. That is a Building Department nightmare as far as I can see. We're not going to give them wrist bands.

Marvin Newberg: Well I'll address both of those. If they are conditions of the site plan amendment that you grant, obviously the owner has to comply with them. That is the charge of the Building Department. I know I represent the smaller towns that have no constables, etc. We are going to have a school with teachers living there, which is not unusual for prep schools, colleges, etc. It has to be enforced, someone can come there and verify and see if they are teaching and doing that. You have that with any site plan, any conditions you give to anybody. Whether Mountain Jam is here, everyone liked it, but are they going to have the right runoffs for their cooking away from the pavilion? That is something that has to be verified, and that is how it is done. Here in Bethel you have a constable. Send them out to look to see if the teachers are teaching that is fine. It should be treated like any other application with conditions. As far the teachers living there, and again we discussed it last time, it is certainly not unusual for private schools, private schools all over the country have teacher housing, faculty housing, and a lot of colleges do as well. High Schools couldn't even exist without it in very expensive areas, etc. I don't really see it as a change of use. Yes, three years ago when you granted the site plan approval, at that time there were no plans to have the teachers live there, but now they need to get them there to help the school along, and help it grow. We gave you a list of everyone there, gave you the schedules etc. I don't see it as a change of use, it is a school, and it is a permitted use. And as long as you deal with the aesthetics and the community concerns and the landscaping and structural things, there shouldn't be any real issue about it.

Daniel Gettel: It was offered by your client that there wouldn't be any staff there, and that was used as part of our determination for the special use permit. If you are changing that to staff we are changing the special use permit. That is what I am saying. It's not a change of use, but we are changing the special use permit.

Marvin Newberg: Agreed. It is an amendment.

Daniel Gettel: An amendment to the site plan, amendment to the special use permit.

Marvin Newberg: Again, it is part of the school use. You can certainly have whatever verification you want to have. Things change. If it doesn't change the normal conditions of granting a special permit in a permitted use, it should be allowed.

Daniel Gettel: I am one member of the board. Does anyone from the board have any comments?

David Slater: I agree with you Dan, I read the minutes, and one of the things said was that no families will live on this property. That was a big factor for us, there would be no family members, and now they want to change it. We also did put some other things like the pool should be closed. Why was the pool not closed like they said it was going to? I believe there was another point in the minutes they said that if there were any changes they would come back to us. We have not seen them back here, and yet they changed more than one building. I think if we allow this we are opening up more headaches for BJ to enforce and for us.

David Biren: That pool should have been closed. It's too close to the road. You want to open a pool, come in front of us, and locate it where it is not close to the road, it's not an issue. Landscaping, that's not landscaping. You just put green fencing up. You want this fancy school, it is just green fencing. It's terrible looking when you enter our Town.

Daniel Gettel: Just to address, the west side of the road was landscaped, the east side never was.

David Biren: And you are putting up a building for 92 people. That is not accommodating what we had planned originally.

Marvin Newberg: Again, this is a school, it is a permitted use.

David Biren: That isn't what we approved.

Marvin Newberg: If we were here in front of the Zoning Board and asked for a variance and there was a decision three years ago, I could understand more easily that concern that you raised. But again, this is a permitted use. We are asking for a site plan for a permitted use. Part of a permitted use of a school, there is no prohibition of teachers residing there in a private school.

David Biren: The pool should have been closed.

Marvin Newberg: We are here...

David Biren: I understand all that, but you have done things that were not permitted.

Bette Jean Gettel: The pool was open last year.

Marvin Newberg: We are here now to get that approval.

Daniel Gettel: Jacy, your definition of a school?

Jacqueline Ricciani: I have a different take on this. The applicant now wants to add residential dwellings, which are an entirely separate and distinct kind of use, which are permitted in this district. But there is another part of the town code which says that when you have a residential dwelling that is the permitted use on the property. I don't think you can have the school as the permitted use, and at the same time on the same property have the residential dwelling as a principle. That is our definition. In any residential district any dwelling shall be deemed to be a principle building on the lot in which it is located. I'm not sure how you get two principle buildings on the same parcel.

Marvin Newberg: Again, a school, a private school, or a college, or a private college has inherently in it living facilities. You have dormitories here that are part of the school.

Jacqueline Ricciani: For the students.

Marvin Newberg: What is the difference? Is that a principle use to dormitories it's all part of the use of the school, as a legal matter.

Jacqueline Ricciani: Mr. Newberg, the school is there to serve the students. That is why the students have to be there. The school is not there to provide housing for other staff and family members. It's a boarding school, and by definition the students have to live there. I don't think the definition of a boarding school necessitates that staff and their families are to be living there. Additionally you told this board apparently three years ago, when the applicant was here, I think we all agreed three years ago, the applicant said staff and their families were not going to live on site. Now you are telling us in order to get staff they need to live on site. I don't think you have provided this board with any other documentation to show us what difficulties they've had recruiting staff. Their business plan three years ago was that staff wasn't going to be there. Now for some reason they determined that is not workable but we don't have anything to show that the applicant hasn't investigated any other housing available in the area, so they could be in compliance with the special use permit that they were issued by this board.

Marvin Newberg: We are here for an amendment of that.

Jacqueline Ricciani: If I may finish my thought. We understand you are here for an amendment. But when people come for an amendment, it is because there has been a change. That is why things need to be amended because there is some type of change. One of the changes you are telling us is that this school has not been able to recruit faculty, and apparently there is no place for the faculty to live in the area. That is your change.

Marvin Newberg: That is absolutely a mischaracterization. It is difficult to recruit teachers. My question is why if there is a school, Daytop, out along Route 55, sort of a remote area, what is the major objection if you have a school and there is no prohibition of having a school of having teachers' live on site. You say the school is for students, it is also teachers. What is the harm, why would that be a valid reason to deny a site plan to have the teachers live there along with the students?

Jacqueline Ricciani: Because when this project was here three years ago, this board was told something very differently. Now you want a change, which you are entitled to come back here to ask for, but your amendment is due to whatever your change in circumstances, or are you just telling us that your applicant just changed his mind.

Marvin Newberg: I don't think that is the issue at all.

Jacqueline Ricciani: So your applicant has encountered a difficulty in recruiting staff, and all I am saying is we haven't seen any evidence. The board hasn't seen any evidence of that.

Marvin Newberg: I am going to take exception of the fact that is what the mechanics are of it. If we are entitled to have a school there, which we are, we are entitled to have children live there, it's the same thing. It is a permitted use. If you have reasonable conditions for it that is fine. Well to say teachers can't live there, is that a reasonable objection to it if the students live there? What is the problem with the teachers living there?

Jacqueline Ricciani: You are coming here to change what was already issued. You told us...

Marvin Newberg: I accept that. Three years ago they weren't going to have any one there. I don't think they had the facilities to have them live there. Now they have permits, they have ten nice living quarters there.

Jacqueline Ricciani: As the chairman said those permits are general at best.

Marvin Newberg: It said altering rooms. So apparently they altered the rooms from what your engineer said are suitable living quarters.

Jacqueline Ricciani: They are definitely living quarters but that is something that was not part of this original approval. Nonetheless I don't think you can have a dwelling as a permitted use at the same time. And I understand what you are saying, but we have a code that does not have... the definition of a school does not include that staff can live there, and doesn't include that they can't live there. But we do have a part about putting residential dwellings on a school, on school grounds.

Marvin Newberg: We have a residential school. The dormitories are there. You approved it.

Jacqueline Ricciani: But those are for the students who come and attend school. That is not their home, that isn't where they live.

Marvin Newberg: I hear you, but I disagree with you respectively because you have, it's not a new principle use, it is part of the school. You have approved dormitories, they are there, and they have been inspected. This is just living quarters for teachers.

Jacqueline Ricciani: Which is not something that is permitted according to the special use permit. The special use permit and the application that was approved specifically said a lot of things were going to be done and or not done, now you want to change it. I think the board is entitled to an explanation.

Marvin Newberg: I think we have given you the explanation. I know we have.

Steve Simpson: The last time we spoke about this, the idea was teachers did not want to drive long distances. It was a hardship. A teacher is not going to live there with their families. Teachers are going to teach that is a job for them. A teacher is not going to live there with their families. That is the way it is. Now you have these two level buildings here, homes, you are infringing as a bungalow colony. Say what it is. You can't have the best of both worlds. You get 530 students, support staff, families and faculty.

Marvin Newberg: I gave a list of who was there.

Steve Simpson: There are 387 students, 120 occupancy that comes out 2.5 students for every support staff. That's unbelievable. That is like private tutoring. I don't know why you have to make the argument that families have to live there. Is this seasonal or is it going to be year-round?

Marvin Newberg: For ten weeks I believe. Because the students are in school elsewhere during a regular school session at this point.

Steve Simpson: Ten weeks isn't going to make or break the family. The last discussion we had it was, there are different norms, there are different schools these folks are real tight and they would really like to spend their summers together.

Marvin Newberg: I recall our discussion when we were here when it was January or February. And I know perhaps it was you or someone else that said, well teachers can live there, and they go rent places. That is a hardship to run a school. It is a lot easier to recruit and keep their faculty if they can be there, and it is also better for the students. I gave a list of the schedule, which you can see goes from 6 am to 9 pm. It is not a pleasure camp. These kids are in school, they are in religious instruction. It's good to have the teachers around. It helps the school.

Jacqueline Ricciani: Is the applicant only intending to operate the school for ten weeks in the summer?

Marvin Newberg: This year he is. If they build it up then eventually they want it full time. We mentioned that three years ago. I just heard someone say ten weeks.

Jacqueline Ricciani: So it is not currently operating.

David Biren: You opened it for ten weeks last year?

Marvin Newburg: I am not an administrator, it's a school.

Jacqueline Ricciani: This year you are just operating for the summer time? So this is summer school?

Marvin Newburg: You can call it that.

Jacqueline Ricciani: What would you call it?

Marvin Newburg: I said you could call it that. It is a school, you have the curriculum, and you have the schedule, and you have the accreditation which I gave you as well. It's all there.

Jacqueline Ricciani: I just want to understand. So this application is to operate the school during the normal September thru June school year, but for this year you are just going to be operating for the summer time?

Marvin Newburg: Yes.

David Biren: And last year too?

Daniel Gettel: I'm one member of the board. Clearly we are at an impasse. How do you have two principle uses? I don't know how to move it forward. Clearly we are at an impasse with people living at the high school. I agree with you, how do you have two principle uses on one property?

David Biren: How do you call it a High School if it is just two months?

Daniel Gettel: If it were proposed as a camp initially, which it seems to be a summer camp, a summer camp implies different buildings.

Jacqueline Ricciani: Summer camps are not permitted in this district.

David Slater: Summer camps still wouldn't allow family members there.

Daniel Gettel: Right. When they bought the property they knew what the zoning was.

Jacqueline Ricciani: Summer camps are not permitted.

Daniel Gettel: That is probably why they are not calling it that.

Jacqueline Ricciani: Could be.

Daniel Gettel: Could be a reason why not to call it a summer camp.

Marvin Newburg: I will certainly provide the board and your counsel with some research and some authorities as to since it is not in your code exactly of what a school entails, or any parameters etc. of what a school entails.

Jacqueline Ricciani: A school is defined.

Marvin Newburg: But you are raising issues of who can live there, whether it is students, or whether it could be students and teachers.

Jacqueline Ricciani: Part of that Mr. Newberg, I don't know how the board feels, but as mentioned earlier, there are some really significant changes between what is before the board now and what was approved. I don't think it is fair to ask this board to bounce back and forth and try to surmise what it is you are actually looking for. Now you are asking for an amendment to the site plan, an amendment to the special use permit, and it may be helpful be to this board to actually have in front of them in some type of correspondence or whatever you like so that nothing is overlooked so this board knows the different buildings that have changed.

Marvin Newburg: You have all of that. Tim has worked on it. If you want final designs you have it. Tim worked on that, he worked with your engineer, every building has been identified.

Jacqueline Ricciani: So you want this board to put the two site plans next to each other and figure out what you are asking for? This doesn't show what was approved. This only shows what you are asking for.

Marvin Newburg: You have a record. I looked at your minutes from 2015, and Chairman Gettel talked about them.

Jacqueline Ricciani: So you don't want to submit to this board the details of exactly what you are looking for?

Marvin Newburg: Whatever you want as far as details. That is what Tim has done, and that is what he will do. I don't understand exactly what else you are asking for. He has a plan here and he has identified it and answered the questions.

David Biren: You are saying take both maps and compare them.

Daniel Gettel: We approved a site plan three years ago that had a storage building, and now here we are three years later now it is labeled staff building. Now we are supposed to accept the fact that it is a staff building.

Jacqueline Ricciani: So there are no misunderstandings, so nothing is overlooked, I am suggesting that it may be beneficial to this board to have in writing in one place so this board doesn't have to zip back and compare what the approved use was, and what you are asking it to be changed to. Mr. Smith told you there was a building that was approved as office space. It now has 94 bunk beds or beds, I don't know if they are bunk beds or not, but 94 beds. Rather than leave it to this board to try to do that back and forth, you are the applicant you should know

this project better than they do, I think it would be beneficial to have that type of a list and description, and in addition the certain things that were included on the special use permit, and now you are asking for changes.

Marvin Newburg: Tim says he has no problem with that.

Jacqueline Ricciani: I think that would be very helpful to this board to facilitate their review so they know exactly what you are looking for and nothing is overlooked.

Daniel Gettel: We still have to get past the fundamental problem of families living at the school. We seem to be at an impasse.

Jacqueline Ricciani: As in the past if this is a substantial change, if this were determined as a substantial change you should have another public hearing and at the end of the process if it is your determination that what they are asking for is not permitted then you can deny that. As with any other site plan approve some of it, deny other parts of it, as long as you have a rational basis supported by the evidence, or supported by your findings, on whatever is presented to you.

David Slater: I agree with Jacy. I would like to see a list of how these buildings have changed from the original plan to now. I think right now we are just sitting here until you get us that list. We are trying to get things done, and I don't think it is going to move forward until we can see exactly what is being proposed, what the changes have been from 2015 to now, some of these change of use, like you say a dormitory from an office building. It is very tough for me to sit here. There are a lot of changes. There are probably some things that haven't been mentioned that we would probably like to know.

Daniel Gettel: Mr. Gottlieb just to be clear, we know a building as a counselors building. Because Daytop used it for counseling residence. It was approved as an office, now it is a dormitory. So how does one building that is approved as an office morph into a dormitory with no input from the Planning Board? That is kind of where we are stuck. Let's say it was approved in 2015, how did that become what it was used as in 2018, and now 2019, ignore what was approved in 2015?

David Biren: In all good conscious how can we do that?

Jacqueline Ricciani: There might be more engineering work now that there are people living in a building that was only office space. I don't know if there were showers in the past, lavatories, all of this plumbing must have been added to this office building to accommodate students. That could potentially have all kinds of impacts on this project.

Tim Gottlieb: Do you want floor plans for these buildings? I don't want to come back and have you say okay we need this, this and this. Tell me what you want and we will provide it.

Daniel Gettel: We are talking about a building where they put in 94 beds, and we have no information on the interiors.

Glenn Smith: There is a fire system, a fire alarm system in there. Whether it is to code, I don't know. It probably needs a proper architectural review.

Jacqueline Ricciani: Do they have enough water?

Glenn Smith: Who knows?

Daniel Gettel: They did have the fire suppression system repaired. We have evidence of that, but in what building I couldn't tell you. It's an invoice. It could be the maintenance building, I don't know.

David Biren: I think now is the time for you to give us that.

Jacqueline Ricciani: I don't know what kind of additional engineering reviews that may trigger.

David Slater: You turn a maintenance building into a ten apartment building. I would like to see how that happened.

Jacqueline Ricciani: It happened, but what is the impact on that now with water, energy?

Marvin Newburg: There was a building permit issued and acted on. As far just in general to answer, and I understand, three years ago we didn't ask for this, and now we are asking for it. Yes, some things have been concerted, and it isn't part of the plan. I accept that, it is a problem we have to deal with. I ask that you take into consideration that often times and the Building Department knows that to, if something is built without the proper permit, then you come before the proper board or before getting the building permit and you see if it has been done correctly, and it's built and you get a permit later on, it happens. I'm not excusing it. I'm not saying forget about it. I am saying it has happened in the past with many projects. Whether it is this applicant or whoever it was. To look at it to make sure that when you get to vote on the approval of the project, that it is done correctly and in conformance. The sins of the past, sometimes there has to be some kind of remediation and look at it where we're now.

David Biren: There are kids going to be living there, you can't do that.

Marvin Newburg: If it is up to code and its fine now that is what I am saying.

Daniel Gettel: I think the key word in your description of the permits, were the proper permits. I think it is a stretch to say that the permits that were issued by the Town of Bethel Building Department aren't proper when it says they are going to fix the roof and correct the electrical. It doesn't say what building it is, and then all of a sudden you have a dormitory. The key word is proper. I think we have had this discussion with the Town Board before. I was very clear two months ago how I feel about that. The key word tonight is proper, and that is all I have to say.

Jacqueline Ricciani: There is one other thing that I think needs to be addressed by the applicant, for the special use permit that was issued, the maximum number of students permitted was going to be 400. Now you have 530. You need to address that. And then the 400 students were

approved, that was without the 15 or so families also occupying the property. That needs to be addressed.

Marvin Newberg: I believe when we were here last time we had no problem with whatever that 400 number was. No one is asking for 530.

Tim Gottlieb: That is the maximum population for the site, based on the information that we received from the applicant.

Daniel Gettel: Is that based on the sewer plant capacity?

Tim Gottlieb: The sewer capacity is 40,000 gallon, we are well under that. I'm not sure if there are washing machines.

Jacqueline Ricciani: The permit from three years ago stated 400 students. If you are now looking for 530 total....

Tim Gottlieb: No, they want that eventually to have a maximum of 530.

Jacqueline Ricciani: So that is something else that needs to be addressed as far what you were approved for, and what you are now asking to change. It needs to be addressed. It's up to you what information you want to provide to this board.

Steve Simpson: He (Dan Gettel) is basically asking you to come back in good faith. Right now what I am seeing that has not been done at all. What happened last year was a shame. The permits that you got weren't specific of what they actually did there. If you were sitting in our place, how you would feel about all this? All you do is go back and forth and every summer something else is a change. More families are living there, we are trying to help you out but we are dealing through this muck, trying to straighten it up, but we are not getting a lot of help, and everything is not always "above board", things are always changing. We are asking for the facts.

Daniel Gettel: Does anyone else from the board have anything to add? I think we are all pretty much.... we are at impasse. We respectively disagree with some of your statements. Unless we can get some better information to change some minds. I don't know.

Tim Gottlieb: Okay.

*Item #3 was pulled off the agenda.*

- 4) Application for a Special Use Permit with Site Plan review for a Hotel with Amenities to be located at 338 Chapin Road, known as Tax Map # 55.E-2-16 & 28, proposed by Chatwal Lodge / Chapin Hospitality, LLC. (Smith)***

Daniel Gettel: Just so the board is aware, this is more of a courtesy, they are not requesting any approvals tonight, just kind of updating the board. Jason, (Pitangaro) if you want to move up a row or two it might be helpful, especially if you end up speaking.

Glenn Smith: Glenn Smith for the Chatwal property. Steve Dubrovsky is here tonight. We haven't been here for several months. I kind of wanted to bring the board up to speed where things are going, what has been done. A few things have been changed since the last time we were here (showing on map). Toronto Reservoir is down here, Chapin Trail is up here, the Gatehouse on Route 55 is in this direction. Steve's old house is the red building here. Essentially it is still the same concept since we were here several months ago. The owner and the architects took off seven of the proposed cottages that were on the property. They put back a couple of tree houses and glamping tents. So essentially the main lodge building is still in the same place where they proposed, banquet hall, dining room addition on that building. This is a spa building with two bedrooms and the spa here and a small pool of therapy and fitness center in there. The bridal suite stayed the same. This is a one bedroom bridal suite. Most of the cottages are one bedroom. There is a total of like 33 bedrooms altogether on the property. The bridal suite here, the presidential unit down here which is about six bedrooms. There are three types of cottages. Type "A", type "B", and type "C". They are all different floor plans, but they all have one bedroom. The B cottage, the old guest house is down here with four bedrooms, and A, B, C cottages kind of along the reservoir, and all the cottages are laid out to get a view of the reservoir. That is why several of them were taken out. There were three taken out this area, and two taken out in the area over here. A, B, C, style cottages along the reservoir here. Over on the far easterly side is the Gebel house that was an existing house that is a six bedroom house that stays over there, and is being renovated. You have the combination A & B, there is a two bedroom cottage here, and these three are tree houses. They are being built on poles in amongst the trees. Pretty exotic tree houses, very plush.

Jacqueline Ricciani: How do you get in them? Ladders?

Glenn Smith: There are walking ramps to get up in there. They may be handicap accessible. There is one bedroom in each of the tree houses. Across Chapin Trail on this property there are four glamping tents. Across Chapin Trail, across from the lodge building, that is showing here, the larger building and the valet parking is back up here. All access will be like a golf cart type vehicles, or a small car. Septic systems have changed. We have gone to Eljen system, they are more expensive, but a better type of septic system. They are more compact, they take up less room, to keep the land to less of a disturbance, and keep the tree clearing down. There are various Eljen septic systems here for the lodge, here for the bridal and spa. One here for several cottages here, the Gebel House has their own.

Jacqueline Ricciani: What about the glamping? Does each glamping tent have a bathroom?

Glenn Smith: There is a septic leach field across the street for the glamping tents. There will be pump stations to pump up too. Each tent will have a bathroom. The water utility building here has to be up to Department of Health standards. The storage tanks have to be sized. Jason did a review of the plan. We have a lot more detail to do, clean up and tweak things but that is essentially what the project is at this point and time. I would also like to add, we sent out Lead

Agency notices of intent back last fall, and the end of that period was in December.

Daniel Gettel: And you waived your 62 day.

Glenn Smith: If the board could declare their intent to be Lead Agency that would be helpful.

Daniel Gettel: Well, we are going to be Lead Agent. Is there a question? Before I ask Jason, over the winter we had given you a permit to put up a model. That has pretty much stopped because of the weather, is that correct?

Glenn Smith: That model was a type C, one bedroom down here, I'm not sure, is the foundation in Steve?

Steve Dubrovsky: Yes, that's about it, and then the weather shut them down.

Daniel Gettel: So there hasn't been a lot of change at the site over the winter. The Gebel House has a permit for renovation. I know that was a big stickler with some of the people involved.

Glenn Smith: Jason needs more information on the SWPPP. The storm water retention basin along the lower side of the site, all the water ends up in Toronto Reservoir eventually but we have to slow it down. It's being worked on now by another engineer.

Daniel Gettel: Jason since you are here we will talk about the spa in the upper northwest corner on the map. The setbacks on that building?

Jason Pitangaro: The building encroaches on the side yard setbacks. I think the board should give some determination, I don't know if it will be an issue moving forward.

Daniel Gettel: It is an existing building. Are they making the nonconformance worse?

Jason Pitangaro: They are changing the use. But they are not making the nonconformance worse. You have the ability in the code to offer them relief of that.

Daniel Gettel: Is that the reason that the building has an odd shape now?

Glenn Smith: The horse barn.

Daniel Gettel: I don't want to speak for the board, but if you are not making the nonconformity worse I don't have an issue with it. We do have the ability to consider it is accessory to the hotel. The hotel will be the principle use.

Glenn Smith: All the cottages are an accessory to the hotel.

Daniel Gettel: And we have the ability to waive some of the setback requirements for the accessory buildings. I think it is something we can do in house. I don't think it is something that needs a zoning variance.

Jacqueline Ricciani: There are certain criteria in the code that if this project meets those criteria, this board has the power to allow different setbacks, and you can do it as part of your approval here.

Daniel Gettel: I think it would be something that would be handled in-house.

Jacqueline Ricciani: It is 345-15(C) 4 a.

Daniel Gettel: Glenn, do you have a pathway to a service road so you can get....

Glenn Smith: There is a road through the entire site which is shown here as 16 foot, we are widening it to 20 feet.

Daniel Gettel: So we can get fire coverage that way, and also works for your service, catering and anything like that, if there is an event there.

Jason Pitangaro: There are pedestrian walks alongside as well. There are 55 acres. With the 5 acre zoning you could have 11 lots, assumed at 33 bedrooms total. So you basically have three bedrooms per lot. It is a pretty unobtrusive use of the site overall, in keeping with the development as a whole throughout the rest of it.

Daniel Gettel: As far as the water consumption I believe a home...

Glenn Smith: That is a good point. I am basing 110 gallons per day per bedroom that is a single family house with cooking, and dining and everything else. That is not taking place down here. That is taking place in the lodge building, where we are adding an additional flow for that. So we are being very conservative on the waste water.

Daniel Gettel: Waste water is always a concern for collection especially along the Toronto. I do believe the Eljen is a better system. Any idea on timing as far as final approvals? I know there are a lot of hands in this.

Glenn Smith: I have a lot to do myself. I'm not sure what the official schedule is. It is like ASAP.

Steve Dubrovsky: There are a lot of moving parts around the country.

Daniel Gettel: I'm aware of that.

Glenn Smith: We are just going to proceed, address Jason's comments.

Daniel Gettel: Just so the board is aware Jason did issue six pages of comments, and touched on the sewer, water, the SWPPP plan, the EAF. I think Jason has a pretty good handle on it. I think he and Glenn are working well together. It's been a little hit and miss over the winter, but now it is back, so it is good that they are updating us on it. It is a special use permit for site plan approval. I think it is pretty straightforward.

Glenn Smith: Can the board do Lead Agency tonight, or you don't want to...

Daniel Gettel: I think we already declared our intent to act as Lead Agency, so we are Lead Agent by default. If you want us to do a resolution...

Glenn Smith: I didn't know if you wanted to do a resolution after that 30 day period.

Daniel Gettel: We can put it on the record that the 30 days has passed, and we have every indication that no other agencies have stepped up. Jason any questions?

Jason Pitangaro: The septic is pretty well developed.

Glenn Smith: I will keep Jason in the loop Mr. Chairman.

Daniel Gettel: Water consumption, there are three or four wells now?

Glenn Smith: There are four wells on the site now. Two are not that great, but I think there is intent to drill at least one more if not two to get them closer to the water building here to get them tested. We need the SPDES permit on a couple of the leach fields because they are more than 1000 gallons a day, so we will get them.

Daniel Gettel: The SPDES permit doesn't cover the entire site, it covers specific systems.

Glenn Smith: Yes, They changed it for some reason.

Daniel Gettel: It's nice when the whole property has a SPEDES permit, it covers everything. Any other comments from the board? I appreciate them coming in and updating us on how it is developing.

Glenn Smith: Thank you.

Daniel Gettel: Vicky, anything going on the Town Board?

Vicky Vassmer Simpson: We don't have a meeting until next week.

*Motion to adjourn, by David Slater, second by Steve Simpson*

*All in favor – 7*

*Opposed - 0*

*Agreed and carried*

Respectively submitted,

*Jannetta MacArthur*

Recording Secretary